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Of Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

NEWBERG EDUCATION ASSOCIATION,
OEA/NEA, JENNIFER SCHNEIDER,
ANDREW GALLAGHER, KATHERINE
VILLALOBOS, AND SARA LINNERTZ,

Plaintiffs,

v.

NEWBERG SCHOOL DISTRICT, DAVID
BROWN, BRIAN SHANNON, RENEE
POWELL, AND TREVER DEHART,

Defendants.

Case No. 3:21-cv-01797

Yamhill County Circuit Court

Case No. 21CV42664

**DEFENDANTS’ NOTICE OF
REMOVAL OF CIVIL ACTION**

JURY TRIAL DEMAND

TO THE CLERK OF COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Newberg School District, David Brown, Brian Shannon, Renee Powell, and Trever DeHart (collectively “Defendants”) hereby remove to this Court the case now pending in Yamhill County Circuit Court as *Newberg Education Association OEA/NEA, Jennifer Schneider, Andrew Gallagher, Katherine Villalobos, and Sara Linnertz v. Newberg School District, David Brown, Brian Shannon, Renee Powell, and Trever DeHart*, Case No. 21CV42664. As grounds for removal, Defendants state as follows:

NOTICE OF REMOVAL IS TIMELY

(1) On November 3, 2021, Plaintiffs filed a Complaint in this action now pending in Yamhill County Circuit Court as *Newberg Education Association OEA/NEA, Jennifer Schneider, Andrew Gallagher, Katherine Villalobos, and Sara Linnertz v. Newberg School District, David Brown, Brian Shannon, Renee Powell, and Trever DeHart*, Case No. 21CV42664. The Complaint asserts claims for relief under 42 U.S.C. Section 1983 and the Oregon Constitution. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint are attached hereto as Exhibits 1 and 2.

(2) Plaintiffs served Defendant Newberg School District with the Summons and Complaint on November 16, 2021. Plaintiffs served Defendants David Brown, Brian Shannon, Renee Powell, and Trever DeHart on November 30, 2021. Copies of the Acceptances of Service, filed on November 17, 2021 and November 30, 2021 respectively, are attached hereto as Exhibit 3.

(3) Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders received by Defendants accompany this notice of removal as exhibits. No other pleadings or orders have been received by or served by Defendants in the underlying case.

(4) Plaintiffs' Complaint is removable pursuant to 28 U.S.C. § 1441(c)(1)(A) because it contains claims arising under federal law. This Notice of Removal is filed within 30 days of receipt by Defendants of Plaintiffs' Complaint, and therefore removal is timely under 28 U.S.C. § 1446(b)(1).

(5) As of the date of the filing of this Notice of Removal, Defendants are all represented by the undersigned counsel, have been served with the Complaint, and wish to

remove this case to federal court.

FEDERAL QUESTION JURISDICTION EXISTS

(6) This is a civil action over which this court has original jurisdiction pursuant to 28 U.S.C. § 1331, which provides the Court with original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

(7) Plaintiffs' Third, Fourth and Fifth Claims for Relief allege violations of 42 U.S.C. Section 1983, which arise out of the United States Constitution.

(8) This Court has supplemental jurisdiction over Plaintiff's remaining Oregon law claims pursuant to 28 U.S.C. § 1367(a).

REMOVAL TO THIS DISTRICT IS PROPER

(10) Pursuant to 28 U.S.C. §§ 1331, 1446, and 1447, removal of the above-captioned state court action to this court is appropriate.

(11) Pursuant to 28 U.S.C. § 1441(a), removal is made to this Court as the district and division embracing the place where the state action is pending.

FILING OF REMOVAL PAPERS

(12) Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal of Civil Action is being served upon counsel for Plaintiffs, and a copy will be filed with the clerk of the Circuit Court of the State of Oregon for the County of Yamhill.

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WHEREFORE, Defendants remove this civil action from the Circuit Court of the State of Oregon for the County of Yamhill and request that all further proceedings be conducted in this Court.

Respectfully submitted this 13th day of December, 2021.

HART WAGNER, LLP

By: /s/ Karen O’Kasey

Karen O’Kasey, OSB No. 870696

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Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of December, 2021 I served the foregoing

DEFENDANTS' NOTICE OF REMOVAL OF CIVIL ACTION on the following party at the following address:

Aruna A. Masih
Margaret S. Olney
Bennett Hartman LLP
210 SW Morrison St Ste 500
Portland OR 97204
Attorneys for Plaintiff

by electronic means through the Court's Case Management/Electronic Case File system.

/s/ Karen O'Kasey

Karen O'Kasey